

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 20, 2012

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson and Commissioner Sturtz. Executive Secretary Neal and Superintendent Strittmatter were also in attendance.

Marc Carmichael, Lisa McKinney, Matt Brase, Greg Genrich, Connie Vickery, Diane Mascari, Bart Herriman, Jeff McKean, Debbie Rolfsen and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the March 6, 2012 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS –Hearing Judge Neal recommended the Commission approve the parties' agreed dispositions that were submitted for the March 20, 2012 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the March 20, 2012 meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

RR84-00292 SCOTTY DOG HOUSE, INC. – Hearing Judge Neal requested the Commission table this matter until the next meeting.

Vice Chairman Johnson moved to table this matter. Commissioner Sturtz seconded. The matter was unanimously approved.

DL45-13168 R & L SEARS CUT RATE LIQUORS, INC. – Hearing Judge Neal recommended the Commission uphold the Proposed Findings of Fact and Conclusions of Law that were submitted in this matter.

Vice Chairman Johnson moved to uphold the Findings that were submitted by the Hearing Judge. Commissioner Sturtz seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Four hundred ninety-four (494) permits approved for renewal, one hundred four (104) new and/or transfer permits approved, eight (8) permits approved for catering, two (2) permits approved for first year escrow, one (1) permit approved for second year escrow, three (3) permits approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR45-26553 MARK O'S BAR & GRILL – Vice Chairman Johnson noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to approve.

Vice Chairman Johnson moved to uphold the local board and approve the renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

DL45-28669 H & R PETRO FOOD MART, INC. – Vice Chairman Johnson noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairman Johnson stated the local board cited no need or desire in the community for the services as reason for their recommendation.

Vice Chairman Johnson moved to uphold the local board's recommendation to deny the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RC05-00798 GOLD TRUSTEES, INC. – Vice Chairman Johnson noted this permittee requests the Commission convert this type 211-1 permit to a type 210 permit.

Vice Chairman Johnson moved to table this matter until the next meeting and refer it to Excise to determine issues about public access, floor plans, and to make sure they qualify for not submitting food figures. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make twenty-two (22) permits inactive. Nineteen (19) permits are not subject to auction and three (3) permits are subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS – Vice Chairman Johnson stated permittee Elyse M. Gregor, permit #BR1688164, did not have any convictions that would disqualify her from holding an employee permit when the permit was issued. However, she now has a disqualifying conviction.

Vice Chairman Johnson noted Officer Swallow conducted an investigation of the permittee and recommends the commission revoke this employee permit.

Vice Chairman Johnson moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR79-28727 AMAL2, LLC – Vice Chairman Johnson noted the local board voted 3-0 to approve this transfer application, however, the Excise officer did not vote because he was not sure that the orange notification sign was legitimately posted.

Vice Chairman Johnson moved to remand this transfer application to the local board for reconsideration. Commissioner Sturtz seconded. The motion was unanimously approved.

RR29-25574 BROCKWAY PUBLIC HOUSE – Vice Chairman Johnson noted this permittee requests the Commission reactivate this permit.

The permittee did not renew the permit and it expired in August 2011. However, during that time the permittee had been corresponding with this agency regarding transferring the permit.

Vice Chairman Johnson moved to reactivate this permit subject to all fees due are paid. Commissioner Sturtz seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2012.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER